



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 16 सितम्बर, 1960/25 भाद्रपद, 1882

HIMACHAL PRADESH ADMINISTRATION

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-4, the 2nd September, 1960/11th Bhadra, 1882

No. LSG. 18-36/59.—The following Draft Rules proposed by the Government of India, and published in the Gazette of India, dated the 20th August, 1960, are hereby republished in the Himachal Pradesh Administration Rajpatra for the information of the general public and inviting objections, if any, by the 20th September, 1960, at the latest.

By order,
G. M. LAUL,
Under Secretary.

NOTIFICATION

G.S.R.—The following draft of rules, which the Central Government proposes to make, in exercise of the powers conferred by section 54 of the Territorial Councils Act, 1956 (103 of 1956), to amend the Territorial Councils Rules, 1957, are published, as required by sub-section (1) of the said section 54 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th September, 1960.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government and may be addressed to the Secretary to the Government of India in the Ministry of Home Affairs, New Delhi.

THE TERRITORIAL COUNCILS (AMENDMENT) RULES, 1960

1. These rules may be called the Territorial Councils (Amendment) Rules, 1960.

2. In the Territorial Councils Rules, 1957 (hereinafter referred to as the said rules), rule 17 shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted namely:—

“(2) Any resolution which falls through for want of a seconder, or which is not moved, or which has been withdrawn with the leave of the Council, may be considered on a subsequent date with the consent of the Chairman.”

3. For rule 23 of the said rules, the following rule shall be substituted, namely:—

“23. *Finance Committee.*—The Council shall, as soon as may be after its establishment, elect in accordance with the system of proportional representation by means of the single transferable vote a Finance Committee consisting of ten members including the Chairman of the Committee:

Provided that nothing contained in this rule shall affect the members of the Finance Committee holding office at the commencement of the Territorial Councils (Amendment) Rules, 1960.”

4. For rules 25 and 26 of the said rules, the following rules shall be substituted, namely:—

“25. *Standing Committee.*—In addition to the Finance Committee, the Council may, with the previous sanction of the Administrator, elect, in accordance with the system of proportional representation by means of the single transferable vote, as many Standing Committees as it may think fit for the exercise of any power or for discharging any function of the Council. The Chairman shall be *ex-officio* Chairman of every such Standing Committee:

Provided that nothing contained in this rule shall affect the members of any Standing Committee holding office at the commencement of the Territorial Councils (Amendment) Rules, 1960.

26. *Term of Office.*—The term of Office of a member of the Finance Committee or any of the Standing Committees shall be for the financial year beginning from the 1st April and ending on 31st March:

Provided that the term of office of every member of the Finance Committee or any Standing Committee in existence at the

commencement of the Territorial Councils (Amendment) Rules, 1960, shall be upto the 31st March, 1961:

Provided further that the term of office of every member of the Finance Committee and any Standing Committee elected after the general elections to the Council shall be the unexpired portion of the financial year in which the election takes place and the succeeding financial year."

5. After rule 27 of the said rules, the following rule shall be inserted, namely:—

"27A. *Term of office of members elected to casual vacancies.*—The term of office of a member elected to fill a casual vacancy shall commence from the date of election and shall continue so long only as the member in whose place he is elected, would have been entitled to hold office if the vacancy had not occurred."

6. After rule 36 of the said rules, the following rule shall be inserted, namely:—

"36A. *Supplementary Budget.*—(1) The Chief Executive Officer may prepare in respect of each financial year, a supplementary estimate of income and expenditure of the Council (called the "Supplementary Budget") in the prescribed form, in consultation with the Principal Officers in charge of engineering, health services and education.

(2) The procedure to be followed for the finalisation of such budget shall be the same as that laid down in rules 33, 34 and 35 with the following modifications, namely:—

(a) The word "coming" occurring in sub-rule (2) of rule 33 shall be deemed to be omitted.

(b) For the word "March" wherever it occurs in rule 34 or rule 35, the word "December" shall be deemed to be substituted.

(3) The Supplementary Budget shall be final and effective only if the same is approved by the Administrator."

7. (1) For the heading "Part VI—Contracts", the heading "Part VI—Contracts other than Public Works Department Contracts" shall be substituted.

(2) In rule 43 under the same heading:—

(i) for sub-rule (a), the following sub-rule shall be substituted, namely:—

"(a) (i) Every contract or agreement by or on behalf of the Council shall be made by the Principal Officers in charge of engineering, education and health services, in respect of their departments where the amount involved does not exceed Rs. 200 and by the Chief Executive Officer in all other cases.

(ii) Every contract or agreement shall be signed by the officer competent to make it under clause (i) and the Chairman."

(ii) in sub-rule (b), for the words "the Chief Executive Officer" the words "the officers specified in sub-rule (a) (i)" and for "him" the word "them" shall be substituted.

(iii) for sub-rule (c), the following sub-rule shall be substituted, namely:—

"(c) No contract which will involve an expenditure exceeding five thousand rupees shall be made under clause (a) unless the same is previously approved by the Council."

8. For rule 45 of the said rules, the following rule shall be substituted, namely:—

“45. *Powers to make appointments.*—Subject to the provisions of section 32 of the Act, the power of appointing officers and staff, whether temporary or permanent, shall vest—

- (a) in the Council, in respect of all posts carrying a minimum monthly salary (exclusive of allowances) of more than rupees one hundred;
- (b) in the Chief Executive Officer, in respect of all posts located at the headquarters of the Council and carrying a minimum monthly salary (exclusive of allowances) of rupees one hundred or less;
- (c) in the Chief Executive Officer, in respect of all posts not located at the headquarters of the Council and carrying a minimum monthly salary (exclusive of allowances) exceeding rupees fifty but not exceeding rupees one hundred;
- (d) in the Principal Officers in charge of engineering, health services and education and any other head of department authorised by the Chief Executive Officer in writing in this behalf, concerning their respective departments, in respect of all posts not located at the headquarters of the Council and carrying a minimum monthly salary (exclusive of allowances) exceeding rupees thirty-five but not exceeding rupees fifty;
- (e) in the District Officers, that is, Assistant Engineers, District Medical Officers, District Inspector of Schools and Assistant Animal Husbandry Officers and others (by whatever designations they may be called) concerning their respective offices and within their respective jurisdictions, in respect of posts not located at the headquarters of the Council and carrying a minimum monthly salary (exclusive of allowances) of rupees thirty-five or less.”

9. In rule 47 of the said rules, in clause (c) of sub-rule (1) sub-clause (iii) shall be omitted and sub-clauses (iv) and (v) shall be renumbered as sub-clauses (iii) and (iv) respectively.

10. After rule 47 of the said rules, the following rule shall be inserted, namely:—

“47A. *Payment of moneys to right parties.*—The Chief Executive Officer and the Principal Officers in charge of health services, engineering and education shall be responsible to see that the moneys sanctioned by them are paid to the right parties.”

11. In rule 54 of the said rules,—

- (i) for the word “Chairman” under column 3 against Sl. No. 5, the words “Chairman or any officer authorised by him in this behalf” shall be substituted;
- (ii) for the words “Chief Executive Officer” under column 3 against Sl. No. 6, the words “Chief Executive Officer or any other officer authorised by him in this behalf” shall be substituted.

12. For rule 58 of the said rules, the following rule shall be substituted, namely:—

“58. *Provident Fund*.—(1) The Council shall by a resolution establish and maintain—

- (a) general provident fund; and
- (b) a contributory provident fund;

- and frame regulations for the administration of these funds after obtaining the approval of the Administrator therefor.

(2) Every officer or employee, other than officers on deputation from the Government and officers employed on contract basis, who is in service on the date these funds are established, and who has rendered at least one years continuous service under the Council, shall have the option to join either of the two funds; provided that no officer or employee who has opted for pensionary benefits under the Council shall be permitted to subscribe to the contributory provident fund. Any person employed after that date may join only the general provident fund.

(3) All persons employed on contract basis under the Council and such other officers and employees mentioned in sub-rule (2) who express, in writing, before the date to be specified by the Council in this behalf, their desire to join the contributory provident fund, shall contribute at the rate of 8 Naye Paise in each rupee of his pay. The Council shall contribute to the contributory provident fund of each subscriber an amount equal to the amount of his subscription:

Provided that if the subscriber who is required or permitted to subscribe to the provident fund resigns within five years of the commencement of his service except on account of illness or any other cause which the Council may determine to be a sufficient cause, or has been dismissed from the service of the Council, the Council may deduct from the sum standing to his credit in the provident fund the whole or any part of the contributions made by it to his provident fund and the interest thereon.

(4) Every subscription to the general provident fund or the contributory provident fund shall be recovered by means of a deduction of the amount of such subscription from each pay bill of the subscriber:

Provided that in calculating the deduction to be so made, fractions of a rupee of pay shall be disregarded.”

13. In rule 59 of the said rules, after the word “Subscriber” in the opening para. of sub-rule (a) the words “to the contributory provident fund” shall be inserted.

14. In rule 60 of the said rules, the following sub-rule shall be substituted, namely:—

“(2) (i) Disciplinary or other action against any Government servant who has been sent on deputation to the Council, shall be taken in accordance with the provisions of the rules applicable to him in his present service.

(ii) Disciplinary or other action against any other officer or employee shall be taken by the Council in accordance with the provisions of the said rules and the regulations framed by it for this purpose under section 32(4) of the Act.”

15. For rule 61 of the said rules, the following rule shall be substituted, namely:—

"61. *General Cash Book*.—(1) All moneys received or spent by or on behalf of the Council shall, without any reservation, be brought to account in the General Cash Book to be maintained in the prescribed form under the direct supervision of the Chief Executive Officer, or an officer authorised by him in this behalf.

(2) The General Cash Book shall each day be checked, item by item, closed, balanced and signed by an officer authorised by the Chief Executive Officer. At the end of each month, entries made in the General Cash Book shall be compared with those shown in the statements of receipts and payments as furnished by the Treasury Officer, and discrepancies, if any, fully explained and reconciled."

16. Rule 69 of the said rules shall be renumbered as sub-rule (1) of that rule and

(a) in sub-rule (1) as so renumbered, (i) a comma (,) shall be inserted after the word "Closed" and (ii) the word "headquarters" shall be inserted between the words "at the" and the words "office of the Council";

(b) after sub-rule (1) as so renumbered, the following sub-rule be inserted, namely:—

"(2) When money is received from the public or otherwise for credit into the Council fund elsewhere than at the headquarters office of the Council by an officer authorised by the Council to send such receipts direct to the treasury or sub-treasury, a receipt in the prescribed form shall be issued by him to the payer. Money so received shall be remitted by the officer to the nearest treasury or sub-treasury in the prescribed form, at the end of each day or at such convenient intervals as may be prescribed by the Chairman. The particulars of each such transaction shall be entered in the cash book maintained by the officer and when the duplicate foil of the prescribed form is received from the treasury or sub-treasury, the entries in the cash book shall be checked with such foils and initialled by the officer concerned and the foils shall be used as a voucher for the remittance and shall be filed in the guard file."

17. In rule 74 of the said rules, after the words "Chief Executive Officer", the words "or the Principal Officer in charge of education, health services or engineering, in respect of his Department" shall be inserted.

18. In rule 76, of the said rules,—

(a) in sub-rule (1), the words "the Chief Executive Officer" and the words "and the Principal Officers in charge of education, health services and engineering" shall be added;

(b) for sub-rule (2), the following sub-rule shall be substituted, namely:—

"(2) All cheques shall be signed by the Chief Executive Officer, or the Principal Officer in charge of education, health services or engineering, in respect of his Department and one member of the Council nominated for the purpose by the Chairman."

19. In rule 78 of the said rules, for sub-rule (2), the following shall be substituted, namely:—

“(2) The Chief Executive Officer, the Principal Officers in charge of education, health services and engineering and such other officers as may be authorised by the Chairman in writing, after obtaining the approval of the Administrator, shall draw their salary by presentation of bills in the prescribed form.”

20. In rules 81 and 82 of the said rules, after the words “the Chief Executive Officer”, the words “or by an officer authorised by him in this behalf”, shall be inserted.

21. For rule 87 of the said rules, the following rule shall be substituted, namely:—

“87. *Write off of irrecoverable dues or losses.*—(1) Irrecoverable dues or losses up to rupees one hundred in each case may be written off by the Chief Executive Officer.

(2) Where such amount exceeds rupees one hundred, but does not exceed rupees one thousand, the amount may be written off by the Chairman, and where it exceeds rupees one thousand, but does not exceed rupees two thousand by the Council and where it exceeds rupees two thousand, with the sanction of the Administrator:

Provided that the powers specified in this rule may be exercised by the authorities subject to the condition that—

(a) the loss does not disclose a defect in rules or procedure the amendment of which requires the orders of higher authority or the Council; and

(b) there has not been any serious negligence on the part of any employee of the Council which may call for disciplinary action by a higher authority.”

22. After rule 87 of the said rules, the following rule shall be inserted, namely:—

“87A. *Write off of unserviceable goods, stores, livestock, etc.*—(1) Stores, articles and other goods and livestock, which are reported to be obsolete, surplus or unserviceable, may be disposed of by sale or otherwise under the order of—

(a) the Principal Officers in charge of engineering, health services and education, in respect of their departments, where the book value does not exceed rupees one hundred in any one case;

(b) the Chief Executive Officer, where the book value does not exceed rupees two hundred and fifty in any one case;

(c) the Chairman, where the book value does not exceed rupees one thousand in any one case;

(d) the Council, where the book value does not exceed rupees two thousand in any one case.

(2) Each order declaring stores, articles and other goods and livestock, as obsolete, surplus or unserviceable shall record the full reasons for condemning them and how the condemned stores, articles or goods or livestock are to be disposed of, that is to say, by sale, public auction or otherwise. The Chief Executive Officer or the Principal Officer concerned shall further record full particulars regarding all condemned stores, articles, goods and livestock in suitable list from which their disposal can be watched.

- (3) Notwithstanding anything contained in the foregoing provisions of this rule, the Administrator shall be competent, and shall be deemed always to have been competent, to write off stores, articles, and other goods and livestock from the date of their transfer to the Council and the date of commencement of the Territorial Councils (Amendment) Rules, 1960."

23. For rule 92 of the said rules, the following rule shall be substituted, namely:—

"92. *Administrative approval for works.*—(1) No original work shall be undertaken on behalf of the Council until administrative approval has been accorded to the work by the Chairman, in the case of a work not exceeding Rs. 5,000 in value and subject to the provisions of rule 93, by the Council in all other cases.

(2) The Chairman or the Council, as the case may be, shall not accord administrative approval to any work unless estimates and plans have been approved by the authority specified in rule 94.

(3) Before according such administrative approval to any work, the Chairman, the Council or the Administrator as the case may be, shall satisfy himself or itself that—

(a) funds for the execution of the work are available; and

(b) funds are likely to be forthcoming annually for maintenance after completion of the work.

24. For rules 94 to 96 of the said rules, the following rules shall be substituted, namely:—

"94. *No work to be executed without proper sanction.*—No work shall be executed on behalf of the Council until detailed estimate of its cost has been prepared in the prescribed form together with the necessary plans, and technical sanction thereto has been accorded by the Principal Officer in charge of engineering, where the cost does not exceed Rs. 50,000 and by the Administrator, where the cost exceeds Rs. 50,000. Subject to the provisions of rule 111, the expenditure sanction for all works shall be accorded by the Council.

95. *Schedule of rates.*—Every estimate shall be framed according to the Schedule of Rates of the Central Public Works Department and such premium over and above these rates shall be allowed as may have been approved by the Administrator in different localities of the Union territory from time to time.

96. *Tenders.*—(1) No tender shall be called for if the work is undertaken by the Council departmentally.

(2) No work exceeding Rs. 5,000 in value and not undertaken by the Council departmentally shall be allotted except on the basis of tenders.

(3) All tenders shall be opened by the Principal Officer in charge of engineering or by any other officer authorised by the Council in this behalf. Thereafter the tenders shall be accepted by the Principal Officer in charge of engineering upto the limit of Rs. 50,000 in each case and in other cases by the Council with the previous approval of the Administrator.

(4) Where no tender is received in spite of calls, the work shall be allotted by the Council on the basis of negotiation and with the

previous approval of the Administrator where the cost exceeds Rs. 50,000:

Provided that before invoking this sub-rule, tenders shall have been called for at least twice after giving, on each occasion, notice of not less than three weeks."

25. For the heading to Part XI of the said rules, the following heading shall be substituted, namely:—

"Part XI.—Representation of Council in legal proceedings."

26. For rule 100 of the said rules, the following rule shall be substituted, namely:—

"100. *Legal Proceedings*.—The Chief Executive Officer shall be responsible for the proper representation of the Council in all suits, appeals and proceedings instituted by or against the Council and may, for this purpose, appoint under his signature and for such fee as he may consider reasonable, legal practitioners to act for the Council."

27. For rule 104 of the said rules, the following rule shall be substituted, namely:—

"104. With the previous permission of the Chairman, a member of the Council may call for and inspect in the office on all office days, papers connected with the business on the agenda of the Council, the Finance Committee or any Standing Committee."

28. In rules 106 and 108 of the said rules, the word "permanent" shall be omitted.

29. In rule 109 of the said rules, for sub-rule (3), the following sub-rule shall be substituted, namely:—

"(3) Securities shall be examined and verified by the first day of April each year, and a certificate to the effect that this has been done shall be signed by the Chief Executive Officer in respect of all securities kept in custody at the headquarters of the Council and by the Chief Executive Officer or an officer authorised in this behalf by him, in respect of such securities kept in custody at places other than the headquarters of the Council. The certificate shall be recorded against each item in the "Remarks" column of the register of deposits in which details with regard to such securities are to be recorded."

30. In rule 110 of the said rules, after the words "the Chief Executive Officer", the words "and other officers concerned" shall be inserted.

31. After rule 112 of the said rules, the following rule shall be inserted, namely:—

"113. (1) The Council may, with the previous approval of the Administrator, declare the Chairman, the Chief Executive Officer, the Principal Officers in charge of education, health services and engineering and other officers, as heads of Department, heads of office, drawing and disbursing officers and confer on them such other powers as are conferred on corresponding authorities under the Fundamental and Supplementary Rules, the Central Financial Rules and other financial rules as may be considered necessary:

Provided that no power in excess of the power conferred on the corresponding authorities by Delegation of Financial Power Rules, 1958, shall be conferred on any of these authorities.

- (2) The exact procedure for drawal and disbursement shall be such as may be prescribed by the Administrator in consultation with the Accountant General concerned."

A. V. VENKATASUBBAN,
Deputy Secretary to the Government of India.